

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES COURTS
SOUTHERN DISTRICT OF TEXAS
FILED

MAR 17 1998 KD

Michael N. Milby, Clerk of Court

**TOKIO MARINE & FIRE
INSURANCE COMPANY, LTD.,
MITSUBISHI CORPORATION,
NISSHIO IWAI CORPORATION,
and THE CHIYODA MARINE &
FIRE INSURANCE CO., INC.**

Plaintiffs,

V.

**M/V IRINIKOS,
Her Engines, Tackle,
Apparel, Etc.,
MAYAMAR MARINE,
Owner, Charterer,
Manager and/or Operator,**

Defendants.

C.A. NO. H-98-0760

Filed Under

28 U.S.C. § 1333(1),

28 U.S.C. § 1337 and

(ADMIRALTY)

MOTION FOR ARREST

TO THE HONORABLE JUDGE OF SAID COURT:

TOKIO MARINE & FIRE INSURANCE COMPANY, LTD., MITSUBISHI
CORPORATION, NISSHO IWAI CORPORATION, and THE CHIYODA MARINE & §
FIRE INSURANCE CO., INC. (collectively “Plaintiffs”), file this Motion for Arrest and
respectfully states as follows:

I.

Plaintiffs have a valid maritime claim and lien against the **M/V IRINIKOS**, and a valid
claim against her owner and operator, **MAYAMAR MARINE**, for rust and physical damage to

portions of its cargos of seamless steel pipe carried aboard the **M/V IRINIKOS** pursuant to Convent, Louisiana/Tomakaoi, Hokkaido, Japan bills of lading, as is more fully set forth in Plaintiffs' Original Complaint. Plaintiffs proximately have suffered damages in the estimated amount of \$400,000.00, plus interest and costs.

MAYAMAR MARINE the *in personam* Defendant, is a foreign entity and cannot be found within this District. None of **MAYAMAR MARINE**'s officers or directors are within this District. **MAYAMAR MARINE**'s only known asset in this District is the **M/V IRINIKOS**.

III.

Plaintiffs ask the Court to grant this Motion for Arrest so Plaintiffs can obtain security for their lien and claim against **MAYAMAR MARINE**.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that the Court grant this Motion for Arrest and such other relief as justice allows.

Respectfully submitted,

SHARPE & OLIVER, L.L.P.

By

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Robert C. Oliver
State Bar No. 15255700/FED ID 886
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Houston, Texas 77007
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ATTORNEYS FOR PLAINTIFFS

**IN THE UNITED STATES DISTRICT COURT
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**TOKIO MARINE & FIRE
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MITSUBISHI CORPORATION,
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MAYAMAR MARINE,
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Manager and/or Operator,**

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C.A. NO. H-98-_____

Filed Under

**28 U.S.C. § 1333(1),
28 U.S.C. § 1337 and
U.S. Constitution Art. III**

(ADMIRALTY)

Defendants.

VERIFICATION

THE STATE OF TEXAS §
§
§
COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared Robert C. Oliver
who, after being by me duly sworn on oath stated:

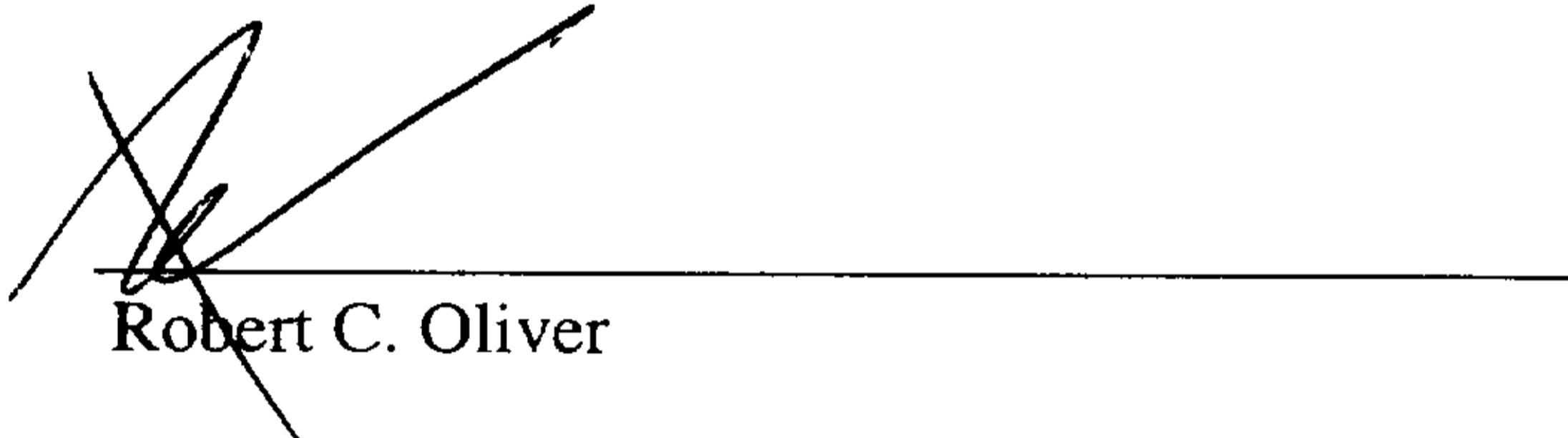
"I am the attorney of record for Plaintiffs. I prepared and read the attached Motion for Arrest.

Its contents are true and correct, to the best of my information and belief.

The sources of information forming the basis for my belief as to all matters are: Plaintiffs'

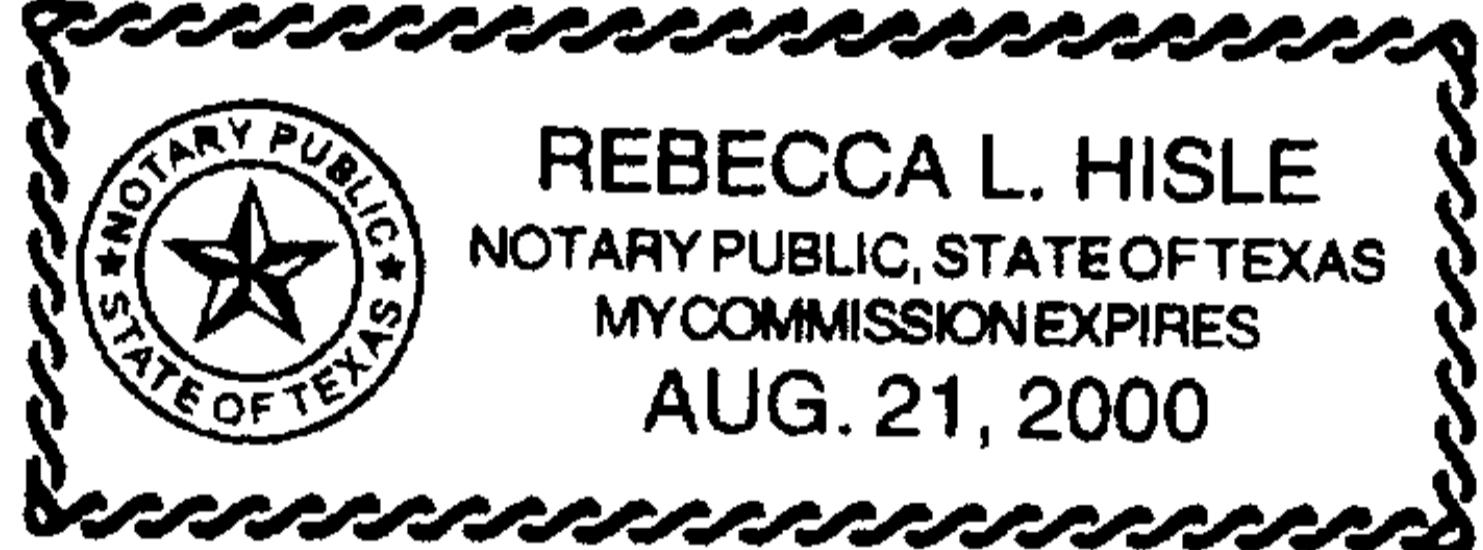
reports made to me and/or corresponding New York counsel, telephone inquiries of local steamship agents and surveyors, my review of Lloyd's Registry of Shipping, as amended, and documents provided by the Plaintiffs, their cargo underwriters and/or corresponding counsel.

The reason for this verification is that Defendant **MAYAMAR MARINE** is a foreign entity and cannot be found in this District. None of its officers or directors are within this District. **MAYAMAR MARINE**'s only known asset within this District is the **M/V IRINIKOS**, now located at "Woodhouse Dock No. 4 at the Port of Houston."



Robert C. Oliver

SUBSCRIBED AND SWORN TO BEFORE ME, an officer authorized to administer oaths, on March 17, 1998, to certify which witness my hand and seal of office.



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

My Commission Expires: _____